

Amendments to the Drawings:

Replacement drawings including originally-filed sheets 2-6 are submitted herewith. No new matter has been added

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

By this amendment, claims 1 and 11 are amended and claims 23-33 are added, leaving claims 2-10 and 12-22 unchanged.

Drawing Objection

The drawings were objected to for including two drawings labeled as Fig. 1. Replacement drawings including originally-filed sheets 2-6 of the drawings are submitted herewith. The duplicative figure 1 has been omitted, so only one Fig. 1 is included. Withdrawal of the objection is respectfully requested.

Support for Claim Amendments and New Claims

The new features of claim 1 can be seen in figures 1, 10, 11, 18, 19 and 20. The feature that the fastening part is provided to accommodate a drive shaft is disclosed on page 3, paragraph [0038].

The new features of claim 11 can be seen in figures 1, 10, 11, 18, 19 and 20.

The features of the new claims 23 and 24 are disclosed on page 2, paragraph [0035] of the Patent Application Publication.

The features of the new claim 25 can be found on page 2, paragraph [0036] of the Patent Application Publication.

These features of new claims 26 and 27 are disclosed on page 2, paragraph [0038] of the Patent Application Publication.

The features of the new claim 28 can be found on page 3, paragraph [0039] of the Patent Application Publication.

This feature of new claim 29 is disclosed on page 2, paragraph [0034] of the Patent Application Publication.

This feature of new claim 30 can be found on page 3, paragraph [0042] of the Patent Application Publication.

The features of claim 31 are disclosed in figures 1 to 6 and in the original claim 1, 2, 10. The feature that the fastening part is provided to accommodate a drive shaft is disclosed on page 3, paragraph [0038].

The features of the new claim 32 are disclosed in figures 11 to 13 and in paragraphs [0041] to [0045] of the Patent Application Publication.

The features of the new claim 33 are disclosed in figures 19 and 20 and in paragraph [0056] of the Patent Application Publication.

Claim Rejections – 35 U.S.C. §102

Claim 11 stands rejected under 35 U.S.C. §102(b) as being anticipated by Nemic (US 2,799,887)

Claims 1-5, 7, 10-13, 16 and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shibata (US 6,158,079)

The patent to Nemic (US 2,799,887) discloses a wiper device for a motor vehicle. The wiper device comprises a wiper arm (4) having a wiper rod (6) and a fastening part (5). The fastening part (5) is connected in an articulated manner with the wiper arm (4). Moreover, the wiper device comprises a spoiler element (11) that is mounted to the wiper rod (6) via a connecting element (16, 17, 18, 19). The patent to Nemic lacks the feature that the spoiler element (11) abuts over its entire length on the wiper rod (6) in at least a stressed state of the wiper rod (6) when the spoiler element (11) is mounted. Therefore, claims 1 and 11 are novel over the patent to Nemic. Claims 2-10 and 12-30 depend from claim 1 and are allowable for the same and other reasons not specifically mentioned herein.

The patent to Shibata (US 6,158,079) discloses a wiper device for a motor vehicle. The wiper device comprises a wiper arm (10) having a wiper rod (24) and a fastening part (12) which is connected in an articulated manner with the wiper rod (24) via a pin (30), a spring (26) and a retainer (14). The fastening part (12) is provided to accommodate a drive shaft to drive the wiper arm (10) in an oscillating manner. The spring (26) is provided to urge the wiper rod (24) against a windshield of the motor vehicle when the wiper arm (10) is in an operation mode. Moreover, the wiper device comprises a spoiler element (18) that is designed to be a single piece with the retainer (14). The patent to Shibata lacks the feature that the spoiler element (18) abuts over its entire length on the wiper rod (24) in a stressed state of the wiper rod (24). Furthermore, the patent to Shibata lacks the feature that the fastening part (12) is connected in a non-articulated manner with at least one elastic section of the wiper arm (10). Therefore, claims 1 and 11 are

novel over the patent to Shibata. Claims 2-10 and 12-30 depend from claim 1 and are allowable for the same and other reasons not specifically mentioned herein.

Claims 31-33 set forth features not shown in either Nemec or Shibata, and are novel over Nemec and Shibata.

Claim Rejections – 35 U.S.C. §103

All embodiments of the present invention were developed in close cooperation of all the inventors which are mentioned in the Patent Application Publication.

Claims 1-9 and 11-21 stand rejected as being unpatentable over Forster (US 3,480,986) in view of Hollaender et al. (DE 10111757).

The patent to Forster (US 3,480,986) discloses a wiper device for a motor vehicle. The wiper device comprises a wiper arm with at least one elastic section that consists of a wiper rod (A-4). The wiper rod (A-4) is formed by a spring leaf which is preloaded to press a wiper blade (18) in a direction to a windshield of the motor vehicle when the wiper rod (A-4) and the wiper blade (18) are mounted. Moreover, the wiper rod (A-4) is connected to a fastening part (23) that is provided to accommodate a drive shaft, via a drive adapter (19). The drive adapter (19) is connected in an articulated manner with the fastening part (23) so that the wiper arm can be pivoted around an axis of a pin (26) which fixes the drive adapter (19) to the fastening part (23), to clean the windshield or to change the wiper blade (18). Therefore, the patent to Forster lacks the features that the fastening part (23) is connected in a non-articulated manner with the wiper rod (A-4) and that the fastening part (23) is connected with the wiper rod (A-4) via at least one elastic section of the wiper arm. Furthermore, the patent to Forster lacks the features that the wiper device comprises a spoiler element to generate a flow-induced bearing force and that the spoiler element abuts over its entire length on the wiper rod (A-4) in at least a stressed state of the wiper rod (A-4) when the spoiler element is mounted on the wiper rod (A-4). Therefore, claims 1 and 11 are patentable over the patent to Forster. Claims 2-10 and 12-30 depend from claim 1 and are allowable for the same and other reasons not specifically mentioned herein.

The document of Hollaender et al. (DE 101 11 757) discloses a wiper blade (1) for a wiper device for a motor vehicle. The wiper blade (1) comprises a wiper lip (3) to clean a windshield of the motor vehicle and a spoiler element (5) to generate a flow-induced bearing force. Moreover, the wiper blade (1) comprises a cavity to accommodate an elastic rod (4) that

stabilizes the wiper blade (1). To mount the wiper blade (1) on the wiper device, especially to a wiper rod of the wiper device, the wiper blade (1) has a mounting device that is formed by a clamping part (see Hollaender et al. col. 2, paragraph [0015]). Therefore, Hollaender et al. lacks the feature that the spoiler element (5) abuts on its entire length on the wiper rod of the wiper device. Therefore, claims 1 and 11 are patentable over Hollaender et al. Claims 2-10 and 12-30 depend from claim 1 and are allowable for the same and other reasons not specifically mentioned herein.

Claims 31-33 set forth features not shown in either Forster or Hollaender, and are patentable over Forster and Hollaender.

In our opinion a person skilled in the art could not find any hints in the above document at the time the invention was made which would have led him to the present invention as recited in claims 1, 11 and 31-33. All of the above documents lack the feature that a spoiler element abuts over its entire length on a wiper rod in at least a stressed state of the wiper rod when the spoiler element is mounted on the wiper rod. Therefore, claims 1, 11 and 31-33 are novel and non-obvious over the above documents in an individual consideration or in a combination with each other. Claims 2-10 and 12-30 depend from claim 1 and are allowable for the same and other reasons not specifically mentioned herein.

CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the present Amendment, allowance of claims 1-33

If additional consultation will further prosecution, the undersigned is available during normal business hours at the below-identified telephone number.

Respectfully submitted,



Julianne M. Cozad Smith
Reg. No. 62,174

Docket No.: 022862-1052
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560